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March 21, 2007

BY E-FILING

The Honorable William B. Chandler, III
Chancellor
Court of Chancery
34 The Circle
Georgetown, Delaware 19947

Re: *NRG Energy, Inc. v. Public Service Commission
of the State of Delaware., et al.*

Dear Chancellor Chandler:

We write on behalf of NRG Energy, Inc. ("NRG"), plaintiff in the above referenced matter that we have filed today, in order to: (1) inform Your Honor that Plaintiff has filed a Verified Complaint and a Motion for Temporary Restraining Order and Preliminary Injunction, seeking to enjoin the Public Service Commission of the State of Delaware (the "Commission") and its Commissioners (collectively the "Defendants") from disclosing certain of NRG's confidential information on March 27, 2007; (2) request that Your Honor assign this case immediately; (3) request that Your Honor enter Plaintiff's proposed order allowing the parties to file under seal papers submitted in support of and in opposition to Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction to allow briefing to proceed immediately; and (4) request that the Court hold a scheduling conference at the Court's earliest convenience.

NRG seeks to enjoin the Defendants from releasing to the public certain of NRG's confidential and proprietary information that is not currently part of the public record in Public Service Commission Docket No. 06-241 captioned "In the Matter of Integrated Resource Planning for the Provision of Standard Offer Supply Service by the Delmarva Power & Light Company Under 26 Del. C. § 1007(c) & (d): Review and Approval of the Request for Proposals for the Construction of New Generation Resources Under 26 Del. C. § 1007(d)."

This action arises from a request for proposals for the construction of new generation resources (the "RFP") issued by the Commission in November 2006. Three bidders, including NRG, have submitted proposals in the RFP. Plaintiff's approximately 1,100-page bid

proposal details its plans to build a clean coal facility in Indian River, Delaware using a specific application of newly-developed Integrated Gasification Combined Cycle (IGCC) technology.

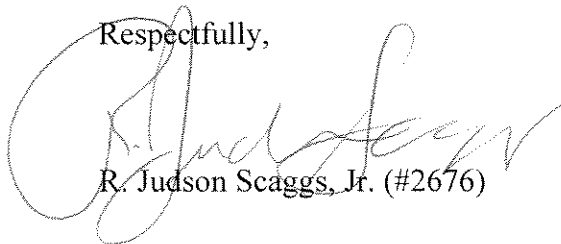
In their initial submissions, the bidders redacted certain confidential and proprietary information from their bid proposals that would be made available to the public. Subsequently, pursuant to a FOIA request by *The News Journal*, the PSC asked bidders to reconsider their confidentiality assertions and provide support for each assertion. In response to the PSC's request, NRG twice resubmitted its public bid proposal and explained its confidentiality assertions.

Yesterday, March 20, the Commission rendered its final decision regarding the bidders' confidentiality assertions and issued an Order (No. 7148) directing the release of certain information on March 27 – only four business days from today.

Given the urgency of this matter, we respectfully request that Your Honor assign this case immediately and that a scheduling conference be held at the Court's earliest convenience. If NRG does not obtain temporary injunctive relief by March 27, the Commission will disclose to the public the confidential material at issue. As we will demonstrate in support of our application for a temporary restraining order, release of NRG's confidential information will cause irreparable injury to NRG.

Additionally, NRG requests that the Court consider NRG's motion for a protective order and enter the proposed order allowing the parties to file under seal papers submitted in support of and in opposition to Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction. Briefing on NRG's Motion for Temporary Restraining Order and Preliminary Injunction will necessarily detail the specific confidential material that NRG seeks to enjoin the Commission from disclosing. As a result, it is necessary that the parties be permitted to file these papers under seal.

Respectfully,

A handwritten signature in dark ink, appearing to read "R. Judson Scaggs, Jr.", is written over the typed name. The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

R. Judson Scaggs, Jr. (#2676)

/lrg

cc: James McC. Geddes, Esquire, Counsel to the Public Service Commission